

Dee May
Vice President
Federal Regulatory



December 22, 2004

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Ex Parte

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements, WC Docket No. 02-112; Performance Metrics and Standards for Interstate Special Access Service, CC Docket No. 01-321 -- REDACTED VERSION

Dear Ms. Dortch:

Please place the attached on the record, in the above proceedings.

Sincerely,

A handwritten signature in cursive script that reads "Dee May".

Attachment

cc: Michelle Carey
Ben Childers
William Dever
Alexander Johns
Thomas Navin
Julie Veach

REDACTED FOR PUBLIC INSPECTION

Edwin J. Shimizu
Director
Federal Regulatory Affairs



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December 7, 2004

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW – Portals
Washington, DC 20554

**Re: Unbundled Access to Network Elements, WC Docket No. 04-313;
Section 251 Unbundling Obligations for Incumbent Local Exchange
Carriers, CC Docket No. 01-338**

Dear Ms. Dortch:

In its November 10, 2004 *ex parte*, AT&T argues that, notwithstanding the evidentiary record, RBOC special access service quality is poor and that the Commission, therefore, should ignore the availability of ILEC special access in deciding whether CLECs are impaired without access to unbundled high-capacity loops and transport.¹ AT&T's claims are misplaced.

In its Reply Comments in this proceeding, Verizon demonstrated that, contrary to some carriers' claims, Verizon's performance in providing special access services to Verizon's wholesale customers has been excellent and continues to get even better.² Evidence Verizon submitted in this proceeding shows for example that, since 2002, Verizon's performance in returning Firm Order Confirmations within Verizon's standard interval has remained above 95 percent, and Verizon's performance in installing special access services by the due date provided in those Firm Order Confirmations has remained at 94 percent. In addition, Verizon's data show that since 2001, Verizon's performance in restoring special access

¹ See Letter from Frederick Beckner III, Sidley Austin Brown & Wood LLP to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 04-313, CC Docket No. 01-338 (dated November 10, 2004) ("AT&T Nov. 10, 2004 Letter").

² See also Lataille/Jordan/Slattery Reply Decl. ¶¶ 44-47.

services also has improved.³ Additional data demonstrating Verizon's special access performance in these areas is attached as Exhibit 1.

AT&T offers no evidence to refute the special access performance data Verizon submitted, even though AT&T receives reports of Verizon's performance in providing special access services to AT&T. Instead, AT&T complains that Verizon's performance in returning Firm Order Confirmations is meaningless because Verizon establishes the interval by which its performance is measured. But AT&T does not dispute that Verizon is meeting its established intervals for 95 percent of Verizon's wholesale orders. Nor does AT&T offer any evidence to suggest that the established intervals are unreasonable or different than the intervals Verizon provides its affiliates, and they are not. The established intervals allow Verizon time to verify that facilities are available to provision the service requested and are the same for Verizon's affiliates as well as its non-affiliates.

Furthermore, while AT&T suggests that the remaining five percent of Firm Order Confirmations that have not been returned within Verizon's established interval consist of orders that did not receive a response for weeks or even months, AT&T offers absolutely no evidence to support this assertion and, in fact, is just wrong. Verizon reviewed AT&T's orders for which Verizon was unable to return Firm Order Confirmations to AT&T within Verizon's established interval for the Verizon East serving territory, the former Bell Atlantic and NYNEX states where AT&T's places the majority of its orders. The data showed that where Verizon did not meet the established interval, Firm Order Confirmations for AT&T's DS1 orders were delayed on average only **[BEGIN CLEC PROPRIETARY] [END CLEC PROPRIETARY]** days, and Firm Order Confirmations for AT&T's DS3 orders were delayed on average on **[BEGIN CLEC PROPRIETARY] [END CLEC PROPRIETARY]** days in the former NYNEX states and only **[BEGIN CLEC PROPRIETARY] [END CLEC PROPRIETARY]** days in the former Bell Atlantic states.

AT&T's complaints about Verizon's on-time provisioning performance ring equally hollow. Again, AT&T does not dispute Verizon's data demonstrating that for a two-year period now, Verizon consistently has met the due date it provides to its wholesale customers on 94 percent of its orders for special access services. Instead, AT&T argues that Verizon is able to meet the due dates established only because Verizon unilaterally sets for itself a "leisurely" due date. But AT&T is just wrong.

Establishing the due date for special access service installation is a joint process between Verizon and its wholesale customers. Verizon has published standard intervals for provisioning special access services, and AT&T offers no evidence to suggest that these intervals are unreasonable. Where facilities are available to provision the service requested, it is Verizon's policy that carriers, including AT&T, that request a due date equal to or greater than Verizon's standard provisioning interval for the service requested receive the

³ Lataille/Jordan/Slattery Reply Decl. ¶¶ 44-47, Exhibit 25.

requested due date. In addition, where carriers request due dates that are less than the standard provisioning interval for the service requested, Verizon works with those carriers to install the service by the expedited due date or as soon thereafter as the service reasonably can be installed.

Finally, AT&T offers no evidence to support its suggestion that Verizon's performance in maintaining its special access services is poor. Instead, AT&T's only complaint about Verizon's maintenance performance data is that Verizon did not include additional measures such as the Failure Frequency Rates – the frequency of troubles on Verizon's wholesale customers' circuits. But again Verizon's performance in this area is good. As data attached as Exhibit 2 demonstrate, the rate of troubles on wholesale circuits is less than 2 percent. That is, the troubles found due to Verizon's reasons, on existing special access circuits as of August 2004, amount to less than 2 percent of the embedded base of special access circuits in service with Verizon.

Given the lack of real evidence to support its claims of poor special access services quality, AT&T's arguments about ILEC special access service quality amount to nothing more than speculation about what might happen in the future if UNEs are eliminated – that ILECs will somehow degrade service quality in the future.⁴ But as Verizon explained in its comments in this proceeding, unsupported speculation about what might happen in the future should the Commission eliminate UNEs has no place in the Commission's current impairment analysis and certainly provides no reason to ignore extensive record evidence demonstrating that CLECs are successfully using special access to serve business customers.⁵ Given that the vast majority of Verizon's special access service is provided to wholesale customers,⁶ including approximately 85 percent of DS1 circuits – any such degradation would be a self-inflicted wound to Verizon's own business interests. And even if there were any concerns about special access performance, those concerns could and must be addressed directly,⁷ and the Commission already has proceedings underway to determine whether there is any need to do so.

The information contained in this filing is subject to the terms of the Commission's protective order in this docket. All inquiries relating to access (subject to the terms of any applicable protective order) to the confidential information submitted by Verizon should be addressed to:

⁴ See AT&T Nov. 10, 2004 Letter at 1-2.

⁵ Verizon Reply Comments at 95, 99.

⁶ Verses/Lataille/Jordan/Reney Declaration, Exhibit 9.

⁷ *USTA II*, 359 F.3d 554 at 571 (DC Cir. 2004).

Ms. Marlene Dortch
December 7, 2004
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Jennifer L. Hoh
Verizon Legal Department
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Please place this letter in the record of the above proceedings.

Sincerely,

A handwritten signature in black ink, appearing to be "JL Hoh", with a long horizontal flourish extending to the right.

Attachment

c: Jeff Carlisle
Michelle Carey
Tom Navin
Pam Arluk
Gail Cohen
Ian Dillner

Russ Hanser
Marcus Maher
Jeremy Miller
Carol Simpson
Tim Stelzig

Verizon 2003/2004 Firm Order Confirmation (Wholesale Special Access Services)

• Northeast (NY/NE)

Jan '03	Feb '03	Mar '03	Apr '03	May '03	Jun '03	Jul '03	Aug '03	Sep '03	Oct '03	Nov '03	Dec '03	YTD '03
89.6%	90.9%	92.2%	94.0%	94.4%	93.3%	93.7%	94.7%	95.3%	94.1%	95.2%	92.7%	93.3%
Jan '04	Feb '04	Mar '04	Apr '04	May '04	Jun '04	Jul '04	Aug '04	Sep '04	Oct '04	Nov '04	Dec '04	YTD '04
92.5%	96.1%	95.3%	94.8%	94.7%	95.5%	94.7%	96.6%	96.3%	97.2%	97.8%		95.6%

Verizon 2003/2004 Firm Order Confirmation (Wholesale Special Access Services)

• **Mid Atlantic (NJ, PA, Potomac)**

Jan '03	Feb '03	Mar '03	Apr '03	May '03	Jun '03	Jul '03	Aug '03	Sep '03	Oct '03	Nov '03	Dec '03	YTD '03
97.8%	98.1%	96.8%	97.0%	97.3%	98.4%	96.1%	97.4%	98.0%	98.1%	98.3%	97.5%	97.5%
Jan '04	Feb '04	Mar '04	Apr '04	May '04	Jun '04	Jul '04	Aug '04	Sep '04	Oct '04	Nov '04	Dec '04	YTD '04
98.8%	99.0%	98.7%	95.5%	97.5%	98.0%	97.1%	98.4%	97.9%	97.5%	97.4%		97.8%

Verizon 2003/2004 Firm Order Confirmation (Wholesale Special Access Services)

• *West (CA, HI, TX, etc.)*

Jan '03	Feb '03	Mar '03	Apr '03	May '03	Jun '03	Jul '03	Aug '03	Sep '03	Oct '03	Nov '03	Dec '03	YTD '03
97.9%	98.3%	97.9%	98.7%	98.4%	98.1%	97.6%	97.9%	98.4%	98.4%	97.7%	98.1%	98.1%
Jan '04	Feb '04	Mar '04	Apr '04	May '04	Jun '04	Jul '04	Aug '04	Sep '04	Oct '04	Nov '04	Dec '04	YTD '04
98.1%	98.3%	98.1%	95.2%	97.0%	97.7%	97.6%	97.3%	98.3%	97.8%	97.7%		97.5%

Verizon 2003/2004 Firm Order Confirmation (Wholesale Special Access Services)

• **New York only**

Jan '03	Feb '03	Mar '03	Apr '03	May '03	Jun '03	Jul '03	Aug '03	Sep '03	Oct '03	Nov '03	Dec '03	YTD '03
88.5%	92.3%	96.5%	97.9%	98.6%	98.2%	97.5%	98.4%	98.3%	98.6%	98.4%	95.9%	96.4%
Jan '04	Feb '04	Mar '04	Apr '04	May '04	Jun '04	Jul '04	Aug '04	Sep '04	Oct '04	Nov '04	Dec '04	YTD '04
95.0%	99.4%	99.3%	99.3%	99.1%	99.4%	99.0%	97.4%	96.1%	97.8%	98.5%		98.2%

Verizon 2003/2004 Confirmed Due Date (Wholesale Special Access Services)

• **Verizon Total**

Jan '03	Feb '03	Mar '03	Apr '03	May '03	Jun '03	Jul '03	Aug '03	Sep '03	Oct '03	Nov '03	Dec '03	YTD '03
94.1%	95.8%	96.2%	96.2%	95.8%	94.8%	93.3%	90.8%	92.6%	93.5%	94.8%	93.1%	94.2%
Jan '04	Feb '04	Mar '04	Apr '04	May '04	Jun '04	Jul '04	Aug '04	Sep '04	Oct '04	Nov '04	Dec '04	YTD '04
93.5%	94.6%	94.7%	94.1%	93.9%	94.3%	94.5%	94.0%	94.3%	94.8%			94.3%

Verizon 2003/2004 Confirmed Due Date (Wholesale Special Access Services)

• Northeast (NY/NE)

Jan '03	Feb '03	Mar '03	Apr '03	May '03	Jun '03	Jul '03	Aug '03	Sep '03	Oct '03	Nov '03	Dec '03	YTD '03
88.0%	92.9%	94.2%	94.3%	92.7%	92.1%	91.3%	85.8%	87.3%	90.7%	92.7%	92.0%	91.2%
Jan '04	Feb '04	Mar '04	Apr '04	May '04	Jun '04	Jul '04	Aug '04	Sep '04	Oct '04	Nov '04	Dec '04	YTD '04
92.2%	94.9%	94.3%	94.2%	92.3%	93.5%	94.1%	93.3%	93.4%	94.8%			93.7%

Verizon 2003/2004 Confirmed Due Date (Wholesale Special Access Services)

• *Mid Atlantic (NJ, PA, Potomac)*

Jan '03	Feb '03	Mar '03	Apr '03	May '03	Jun '03	Jul '03	Aug '03	Sep '03	Oct '03	Nov '03	Dec '03	YTD '03
95.9%	96.2%	96.1%	96.4%	96.4%	95.9%	93.8%	90.8%	93.6%	94.2%	95.8%	93.2%	94.8%
Jan '04	Feb '04	Mar '04	Apr '04	May '04	Jun '04	Jul '04	Aug '04	Sep '04	Oct '04	Nov '04	Dec '04	YTD '04
93.4%	93.3%	93.9%	93.0%	93.2%	93.1%	93.9%	92.4%	93.1%	93.5%			93.3%

Verizon 2003/2004 Confirmed Due Date (Wholesale Special Access Services)

• *West (CA, HI, TX, etc.)*

Jan '03	Feb '03	Mar '03	Apr '03	May '03	Jun '03	Jul '03	Aug '03	Sep '03	Oct '03	Nov '03	Dec '03	YTD '03
97.1%	98.1%	98.1%	97.5%	97.9%	96.0%	94.6%	94.9%	95.9%	95.1%	95.6%	94.2%	96.3%
Jan '04	Feb '04	Mar '04	Apr '04	May '04	Jun '04	Jul '04	Aug '04	Sep '04	Oct '04	Nov '04	Dec '04	YTD '04
94.9%	96.0%	96.7%	95.6%	97.0%	96.8%	95.9%	97.1%	97.6%	97.0%			96.5%

Verizon 2003/2004 Confirmed Due Date (Wholesale Special Access Services)

• *New York only*

Jan '03	Feb '03	Mar '03	Apr '03	May '03	Jun '03	Jul '03	Aug '03	Sep '03	Oct '03	Nov '03	Dec '03	YTD '03
82.3%	89.8%	91.3%	92.4%	89.8%	89.5%	88.0%	80.4%	81.0%	86.1%	89.3%	88.5%	87.4%
Jan '04	Feb '04	Mar '04	Apr '04	May '04	Jun '04	Jul '04	Aug '04	Sep '04	Oct '04	Nov '04	Dec '04	YTD '04
90.2%	93.8%	93.1%	92.9%	90.0%	92.7%	93.0%	92.3%	92.6%	94.3%			92.6%

Verizon 2003/2004 Mean Time to Restore (Wholesale Special Access Services)

• Verizon Total

Jan '03	Feb '03	Mar '03	Apr '03	May '03	Jun '03	Jul '03	Aug '03	Sep '03	Oct '03	Nov '03	Dec '03	YTD '03
4.45	4.70	4.64	4.41	4.39	4.94	5.28	6.89	5.10	4.55	4.56	4.62	4.92
Jan '04	Feb '04	Mar '04	Apr '04	May '04	Jun '04	Jul '04	Aug '04	Sep '04	Oct '04	Nov '04	Dec '04	YTD '04
3.97	4.28	4.17	4.37	4.41	4.59	4.93	4.71	4.96	4.71			4.54

Verizon 2003/2004 Mean Time to Restore (Wholesale Special Access Services)

• Northeast (NY/NE)

Jan '03	Feb '03	Mar '03	Apr '03	May '03	Jun '03	Jul '03	Aug '03	Sep '03	Oct '03	Nov '03	Dec '03	YTD '03
5.96	5.93	6.00	5.88	5.76	6.68	7.01	9.57	6.22	5.57	5.60	5.65	6.41
Jan '04	Feb '04	Mar '04	Apr '04	May '04	Jun '04	Jul '04	Aug '04	Sep '04	Oct '04	Nov '04	Dec '04	YTD '04
4.80	5.51	5.03	5.41	5.30	5.55	5.93	5.45	5.61	4.96			5.38

Verizon 2003/2004 Mean Time to Restore (Wholesale Special Access Services)

• *Mid Atlantic (NJ, PA, Potomac)*

Jan '03	Feb '03	Mar '03	Apr '03	May '03	Jun '03	Jul '03	Aug '03	Sep '03	Oct '03	Nov '03	Dec '03	YTD '03
3.21	3.80	3.39	3.16	3.38	3.72	4.16	5.33	4.53	3.73	3.73	3.52	3.85
Jan '04	Feb '04	Mar '04	Apr '04	May '04	Jun '04	Jul '04	Aug '04	Sep '04	Oct '04	Nov '04	Dec '04	YTD '04
3.33	3.21	3.39	3.69	3.91	3.95	4.27	4.04	3.99	3.90			3.82

Verizon 2003/2004 Mean Time to Restore (Wholesale Special Access Services)

• **West (CA, HI, TX, etc.)**

Jan '03	Feb '03	Mar '03	Apr '03	May '03	Jun '03	Jul '03	Aug '03	Sep '03	Oct '03	Nov '03	Dec '03	YTD '03
4.16	4.45	4.65	4.34	4.37	4.57	5.24	4.95	4.87	4.55	5.21	5.10	4.71
Jan '04	Feb '04	Mar '04	Apr '04	May '04	Jun '04	Jul '04	Aug '04	Sep '04	Oct '04	Nov '04	Dec '04	YTD '04
3.87	4.16	4.17	3.86	4.05	4.57	4.77	4.85	5.74	5.58			4.64

Verizon 2003/2004 Mean Time to Restore (Wholesale Special Access Services)

• New York Only

Jan '03	Feb '03	Mar '03	Apr '03	May '03	Jun '03	Jul '03	Aug '03	Sep '03	Oct '03	Nov '03	Dec '03	YTD '03
6.63	6.55	6.91	6.33	6.06	7.06	7.57	10.68	6.66	5.92	5.98	5.98	6.99
Jan '04	Feb '04	Mar '04	Apr '04	May '04	Jun '04	Jul '04	Aug '04	Sep '04	Oct '04	Nov '04	Dec '04	YTD '04
5.10	6.01	5.60	6.02	5.94	6.30	6.67	5.96	6.27	5.45			5.96